

Code of Civil Procedure, § 425.12

SHORT TITLE DISCOVER BANK VS. KATHERINE R DELACRUZ

CASE NUMBER:

## 4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

(1) ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of the named defendants and acted within the scope of that agency or employment.(2) ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names): \_\_\_\_\_5. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify): \_\_\_\_\_6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

## 7. This court is the proper court because

a. ☐ a defendant entered into the contract here.b. ☐ a defendant lived here when the contract was entered into.c. ☒ a defendant lives here now.d. ☐ the contract was to be performed here.e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.f. ☐ real property that is the subject of this action is located here.g. ☒ other (specify): CCP 395 (B)

## 8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

☒ Breach of Contract☒ Common Counts☐ Other (specify): \_\_\_\_\_9. ☐ Other allegations:

## 10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

a. ☒ damages of: \$8,071.15b. ☐ interest on the damages(1) ☐ according to proof(2) ☐ at the rate of (specify): \_\_\_\_\_ percent per year from (date): \_\_\_\_\_c. ☐ attorney's fees(1) ☐ of: \$(2) ☐ according to proof.d. ☒ other (specify):

SUCH OTHER RELIEF AS THE COURT DEEMS PROPER.

11. ☒ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

1, 4, 7

Date: October 9, 2014

FLINT C. ZIDE

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

PLD-C-001(2)

SHORT TITLE: DISCOVER BANK VS. KATHERINE R DELACRUZ

CASE NUMBER:

FIRST CAUSE OF ACTION—Common Counts  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

CC-1. Plaintiff (name): DISCOVER BANK

alleges that defendant (name): KATHERINE R DELACRUZ

became indebted to ☒ plaintiff ☐ other (name):a. ☒ within the last four years(1) ☒ on an open book account for money due.(2) ☒ because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.b. ☒ within the last ☐ two years ☒ four years(1) ☒ for money had and received by defendant for the use and benefit of plaintiff.(2) ☐ for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff.☐ the sum of \$☐ the reasonable value.(3) ☐ for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff☐ the sum of \$☐ the reasonable value.(4) ☒ for money lent by plaintiff to defendant at defendant's request.(5) ☒ for money paid, laid out, and expended to or for defendant at defendant's special instance and request(6) ☐ other (specify):

CC-2. \$ \_\_\_\_\_, which is the reasonable value, is due and unpaid despite plaintiff's demand,  
plus prejudgment interest ☐ according to proof ☐ at the rate of \_\_\_\_\_ percent per year  
from (date):

CC-3. ☐ Plaintiff is entitled to attorney fees by an agreement or a statute☐ of \$☐ according to proof.

CC-4. ☒ Other: \$8,071.15, WHICH IS THE FIXED AND AGREED AMOUNT, IS DUE AND UNPAID  
DESPITE PLAINTIFF'S DEMAND.

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PLD-C-001(1)

SHORT TITLE: DISCOVER BANK VS. KATHERINE R DELACRUZ

CASE NUMBER:

SECOND

(number)

## CAUSE OF ACTION—Breach of Contract

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): DISCOVER BANK

alleges that on or about (date): OCTOBER 8, 2000

a ☒ written ☐ oral ☐ other (specify):

agreement was made between (name parties to agreement): DISCOVER BANK &amp; KATHERINE R DELACRUZ

☐ A copy of the agreement is attached as Exhibit A, or☒ The essential terms of the agreement ☐ are stated in Attachment BC-1 ☒ are as follows (specify):

PLAINTIFF, OR PLAINTIFF'S PREDECESSOR IN INTEREST, EXTENDED INTO A WRITTEN AGREEMENT WITH DEFENDANT(S) FOR THE ACCOUNT ENDING IN 0389, WHEREBY CREDIT WOULD BE EXTENDED BY PLAINTIFF TO DEFENDANT(S), SERVICES RENDERED, GOODS AND SERVICES WOULD BE PROVIDED, AND/OR MONEY WOULD BE EXTENDED AT DEFENDANT'S REQUEST. IN CONSIDERATION, DEFENDANT(S) PROMISED TO REPAY PLAINTIFF THE SUMS ADVANCED.

BC-2. On or about (dates): NOVEMBER 30, 2012

defendant breached the agreement by ☐ the acts specified in Attachment BC-2 ☒ the following acts

(specify): DEFENDANT(S) FAILED TO REPAY THE SUMS DUE UNDER THE AGREEMENT

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement

☐ as stated in Attachment BC-4 ☒ as follows (specify): \$8,071.15.BC-5. ☒ Plaintiff is entitled to attorney fees by an agreement or a statute☐ of \$☐ according to proof.BC-6. ☐ Other:Page 4  
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